



General Assembly

January Session, 2017

Raised Bill No. 7170

LCO No. 4097



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING THE INTEGRATION OF
MUNICIPAL HEALTH DEPARTMENTS INTO REGIONAL HEALTH
DISTRICTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2017*) (a) As used in this section
2 and sections 19a-241 to 19a-245, inclusive, of the general statutes, as
3 amended by this act:

4 (1) "Planning region" means a planning region of the state, as
5 designated or redesignated by the Secretary of the Office of Policy and
6 Management, or the secretary's designee, under section 16a-4a; and

7 (2) "Executive board" means the executive board of a regional health
8 district.

9 (b) Each regional council of government organized under the
10 provisions of sections 4-124i to 4-124p, inclusive, of the general
11 statutes, for each planning region shall appoint a transitional regional
12 health director who shall be a current director of a local health district

13 within the planning region. A transitional regional health director shall
14 be responsible for leading the transition to the regional health district
15 model established pursuant to the provisions of sections 19a-240 to
16 19a-243, inclusive, and 19a-245 of the general statutes, as amended by
17 this act. A transitional regional health director shall be appointed, after
18 approval of the commissioner, on or before July 1, 2018, for a term of
19 two years, or until an appointment of a regional health director has
20 been made pursuant to section 19-242, as amended by this act. Any
21 appointment of a transitional regional health director shall require the
22 approval of the Commissioner of Public Health. If a regional council of
23 government fails to appoint a transitional regional health director on
24 or before July 1, 2018, or if a vacancy occurs in such position, a
25 transitional regional health director shall be appointed by the
26 commissioner.

27 (c) Not later than January 1, 2020, each transitional regional health
28 director appointed under subsection (b) of this section shall submit a
29 joint report, in accordance with the provisions of section 11-4a of the
30 general statutes, to the joint standing committee of the General
31 Assembly having cognizance of matters relating to public health, that
32 includes recommendations for statutory changes that would facilitate
33 the transition to a regional health district model.

34 Sec. 2. Section 19a-241 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective July 1, 2017*):

36 (a) Towns, cities and boroughs, by vote of their respective legislative
37 bodies, after a public hearing, may unite to form district departments
38 of health, which shall be instrumentalities of their constituent
39 municipalities. The affairs of any such district department of health
40 shall be managed by a board, which shall have all the duties exercised
41 or performed immediately prior to the effective date of the creation of
42 such district by directors of health or boards of health of the
43 municipalities and which shall exercise all the authority as to public
44 health required of or conferred upon the constituent municipalities by

45 law and shall have the powers of the district set forth in section 19a-
46 243. Towns, cities and boroughs may, in like manner, join a district
47 department of health previously formed with the approval of the
48 board of such district.

49 (b) Each town, city and borough, which has so voted to become a
50 part of any such district, shall, by its board of selectmen, city council or
51 board of burgesses, appoint one person to be a member of such board.
52 Any town, city or borough having a population of more than ten
53 thousand inhabitants, as annually estimated by the Department of
54 Public Health by a method comparable or similar to that used by the
55 United States Bureau of the Census, shall be entitled to one additional
56 representative for each additional ten thousand population or part
57 thereof, provided no such municipality shall have more than five
58 representatives on a district board of health. The term of office for
59 members of the district board of health shall be three years, except
60 that: (1) A district board of health containing only one town may elect
61 to have one-year or three-year terms of office, and (2) during the initial
62 formation of a board with three-year appointments, appointments
63 shall be so made that approximately one-third of the board shall be
64 appointed for one year, approximately one-third appointed for two
65 years and approximately one-third appointed for three years.
66 Members of the district board of health shall serve without
67 compensation but shall receive their necessary expenses while in the
68 performance of their official duties.

69 (c) On and after July 1, 2020, district departments of health shall
70 cease operations, transition to or become a part of a regional health
71 district. On and after said date, each planning region shall have a
72 regional health district that shall (1) be comprised of and be an
73 instrumentality of the constituent town, cities and boroughs within the
74 planning region. The affairs of any such regional health district shall be
75 managed by an executive board that shall have all the duties exercised
76 or performed immediately prior to the effective date of the creation of
77 such regional health district by directors of health, boards of health of

78 the constituent towns, cities and boroughs, or district departments of
79 health, and (2) exercise all the authority as to public health required of
80 or conferred upon the constituent towns, cities and boroughs by law
81 and shall have the powers of the regional health district set forth in
82 section 19a-243, as amended by this act.

83 (d) On and after July 1, 2020, the regional council of governments,
84 organized under the provisions of sections 4-124i to 4-124p, inclusive,
85 shall appoint for each planning region at least ten people to be
86 members of the executive board. At least one member shall be from
87 each of the following categories: (1) A licensed physician or surgeon;
88 (2) a licensed advanced practice registered nurse; (3) a licensed oral
89 health professional; (4) a licensed mental health professional; and (5) a
90 member of the public. Members may not serve in more than one
91 capacity to satisfy the requirements of this subsection. The
92 Commissioner of Public Health, or the commissioner's designee, shall
93 be an ex-officio, nonvoting member of the executive board.

94 (e) The term of office for members of the executive board appointed
95 under subsection (d) of this section shall be three years from the date
96 of appointment, except that during the initial formation of the board,
97 appointments shall be so made that approximately one-third of the
98 board shall be appointed for one year, approximately one-third
99 appointed for two years and approximately one-third appointed for
100 three years. Members of the executive board shall serve without
101 compensation but shall receive their necessary expenses while in the
102 performance of their official duties.

103 Sec. 3. Section 19a-242 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2017*):

105 (a) The board shall, after approval of the Commissioner of Public
106 Health, appoint some discreet person, possessing the qualifications
107 specified in section 19a-244, to be director of health for such district,
108 and if he is not selected within sixty days from the formation of any

109 such district, or if a vacancy in said office continues to exist for sixty
110 days, such director shall then be appointed by said commissioner. The
111 board may appoint a person to serve as the acting director of health
112 during such time as the director of health is absent or a vacancy exists,
113 provided such acting director shall meet the qualifications for directors
114 of health in section 19a-244, or such other qualifications as may be
115 approved by said commissioner. Upon the appointment of a director
116 of health under the provisions of this section, the terms of office of the
117 directors of health of the towns, cities or boroughs forming such
118 district shall terminate.

119 (b) Such director of health may be removed whenever a majority of
120 the directors of such health district find that such director of health is
121 guilty of misconduct, material neglect of duty or incompetence in the
122 conduct of his office.

123 (c) On and after July 1, 1988, each district health department shall
124 provide for the services of a sanitarian certified under chapter 395 to
125 work under the direction of the district director of health. Where
126 practical, the district director of health may act as the sanitarian.

127 [(d) As used in this chapter, "authorized agent" means a sanitarian
128 certified under chapter 395 and any individual certified for a specific
129 program of environmental health by the Commissioner of Public
130 Health in accordance with the Public Health Code.]

131 (d) On and after July 1, 2020, for each regional health district, the
132 executive board shall appoint a person possessing the qualifications
133 specified in section 19a-244, as amended by this act, to serve as a
134 regional health director for such regional health district for a term of
135 not more than two years. Any appointment of a regional health
136 director shall require the approval of the Commissioner of Public
137 Health. If the executive board fails to make such appointment on or
138 before sixty days after the formation of any such regional health
139 district, or if a vacancy occurs in such position, such regional health

140 director shall then be appointed by the commissioner. The executive
141 board may appoint, after approval of the commissioner, a person to
142 serve as the acting regional health director during such time as the
143 regional health director is absent or a vacancy exists, provided such
144 acting director shall meet the qualifications for regional health
145 directors in section 19a-244, as amended by this act, or such other
146 qualifications as may be approved by the commissioner. Upon the
147 appointment of a regional health director under the provisions of this
148 section, the terms of office of the directors of health of the town, cities,
149 boroughs or district departments of health forming or located in such
150 regional health district shall terminate.

151 (e) A regional health director appointed under subsection (d) of this
152 section may be removed as provided in section 19a-244, as amended
153 by this act, or whenever a majority of the executive board finds that the
154 regional health director is guilty of misconduct, material neglect of
155 duty, incompetence in the conduct of the regional director's office or
156 violation of any provisions of such regional health director's written
157 agreement specified under section 19a-244, as amended by this act.

158 (f) On and after July 1, 2020, each regional health director shall
159 annually file, at the end of each fiscal year of the regional health
160 district, a report on the provision of the basic health program required
161 under section 19a-207a and other information as may be prescribed by
162 the commissioner.

163 Sec. 4. Section 19a-243 of the general statutes is repealed and the
164 following is substituted in lieu thereof (*Effective July 1, 2017*):

165 (a) Each board may make and adopt reasonable rules and
166 regulations for the promotion of general health within the district not
167 in conflict with law or with the Public Health Code. The powers of
168 each district shall include but not be limited to the following
169 enumerated powers: (1) To sue and be sued; (2) to make and execute
170 contracts and other instruments necessary or convenient to the exercise

171 of the powers of the health district; (3) to make and from time to time
172 amend and repeal bylaws, rules and regulations; (4) to acquire real
173 estate; (5) to provide for the financing of the programs, projects or
174 other functions of the district in the manner described in subsection (b)
175 of this section; and (6) to have such other powers as are necessary to
176 properly carry out its powers as an independent entity of government.

177 (b) A district may, without limiting its authority under other
178 provisions of law, borrow money for the purpose of carrying out or
179 administering a district project, program or other function authorized
180 under this chapter, or for the purpose of refinancing existing
181 indebtedness, or temporarily in anticipation of receipt of current
182 revenues, and provided the board shall hold a public hearing on any
183 such proposed borrowing which is estimated by the board to increase
184 the annual apportionment of district expenses made pursuant to
185 subsection (c) of this section by more than seven per cent over levels
186 currently established. The board shall give one week's notice of such
187 hearing in a newspaper having a circulation in each constituent
188 municipality of the district. The district may enter into note, loan or
189 other agreements providing that such borrowings shall be payable
190 from or secured by one or more of the following: (1) A pledge, lien,
191 mortgage or other security interest in any or all of the income,
192 proceeds, revenues and property, real or personal, of its projects,
193 assets, programs or other functions, including the proceeds of
194 payments, grants, loans, advances, guarantees or contributions from
195 the federal government, the state of Connecticut, the constituent
196 municipalities of the district or any other source; or (2) a pledge, lien,
197 mortgage or other security interest in the property, real or personal, of
198 projects to be financed by the borrowing. Such borrowings and
199 obligations shall not constitute an indebtedness within the meaning of
200 any debt limitation or restrictions on, and shall not be obligations of,
201 the state of Connecticut or any municipality. No constituent
202 municipality of a district shall be liable for any such borrowing or
203 obligation of the district upon default. Neither members of the board

204 nor any person executing on behalf of the district any note, mortgage,
205 pledge, loan, security or other agreement in connection with the
206 borrowing of money by a district shall be personally liable on the
207 obligations thereunder or be subject to any personal liability or
208 accountability by reason of the entrance into such agreements. Each
209 pledge, agreement or assignment made for the benefit or security of
210 any such borrowing entered into pursuant to this subsection shall be in
211 effect until the principal and interest on such borrowing for the benefit
212 of which the same were made have been fully paid, or until provision
213 is made for the payment in the manner provided therein. Any pledge
214 or assignment made in respect of such borrowing secured thereby
215 shall be valid and binding from the time when the pledge or
216 assignment is made; any income, proceeds, revenues or property so
217 pledged or assigned and thereafter received by the district shall
218 immediately be subject to the lien of such pledge, without any physical
219 delivery thereof or further act; and the lien of any such pledge or
220 assignment shall be valid and binding as against parties having claims
221 of any kind in tort, contract or otherwise against the district
222 irrespective of whether such parties have notice thereof. Neither the
223 resolution, trust indenture, agreement, assignment [or] nor other
224 instrument by which a pledge is created need be recorded or filed,
225 except for the recording of any mortgage or lien on real property or on
226 any interest in real property.

227 (c) The board shall meet at least quarterly and at other times
228 determined by the chairperson. At its September meeting it shall elect
229 a chairperson and it shall furnish the necessary offices and equipment
230 to enable it to carry out its duties. The board may elect an executive
231 committee, consisting of the chairperson and two other members, and
232 the director of health, who shall serve without a vote, and such
233 executive committee shall have power to act when the board is not in
234 session. The fiscal year of each district department of health shall be
235 from July first to June thirtieth, and, by June thirtieth in each year, the
236 board shall estimate the amount of money required to pay the costs

237 and expenses of the district during the ensuing fiscal year, provided, if
238 any municipality within the district has a fiscal year which begins on
239 July first, such estimate shall be made by April thirtieth of each year.
240 Such board shall hold a public hearing on its proposed budget, not less
241 than two weeks' notice of which shall be given in a newspaper having
242 a circulation in each constituent municipality of such district. From
243 time to time, the board shall draw upon the treasurer of each town,
244 city or borough within the district a proportionate share of the
245 expenses of such district, from such funds as may have been
246 appropriated by each, to pay the cost of operating the district,
247 including debt service on borrowings of the district, such
248 apportionment to be made equitable on a per capita basis as
249 established by the last annual population estimate by the Department
250 of Public Health for each participating town, city or borough.

251 (d) The board of each district department of health shall dissolve
252 upon the establishment of the executive board under section 19a-241,
253 as amended by this act. On and after July 1, 2020, each executive board
254 shall meet not less than annually. The executive board shall make and
255 modify, as necessary or desirable, regional health district bylaws and
256 may adopt other reasonable rules and regulations for the promotion of
257 general health within the regional health district not in conflict with
258 public health statutes or regulations. On and after said date, the
259 powers of each regional health district shall include, but not be limited
260 to, the following enumerated powers: (1) To sue and be sued; (2) to
261 make and execute contracts and other instruments necessary or
262 convenient to the exercise of the powers of the regional health district;
263 (3) to make and from time to time amend and repeal bylaws, rules and
264 regulations; (4) to acquire real estate; (5) to provide for the financing of
265 the programs, projects or other functions of the regional district in the
266 manner described in subsection (e) of this section; and (6) to have such
267 other powers as are necessary to properly carry out its powers as an
268 independent entity of government.

269 (e) On and after July 1, 2020, a regional health district may, without

270 limiting its authority under other provisions of law, borrow money for
271 the purpose of carrying out or administering a regional health district
272 project, program or other function authorized under this chapter, or
273 for the purpose of refinancing existing indebtedness, or temporarily in
274 anticipation of receipt of current revenues, and provided the executive
275 board shall hold a public hearing on any such proposed borrowing
276 that is estimated by the executive board to increase the annual
277 apportionment of regional health district expenses made pursuant to
278 subsection (f) of this section by more than seven per cent over levels
279 currently established. The executive board shall give one week's notice
280 of such hearing in a newspaper having a circulation in each constituent
281 municipality of the regional health district. On and after said date, the
282 regional health district may enter into note, loan or other agreements
283 providing that such borrowings shall be payable from or secured by
284 one or more of the following: (1) A pledge, lien, mortgage or other
285 security interest in any or all of the income, proceeds, revenues and
286 property, real or personal, of its projects, assets, programs or other
287 functions, including the proceeds of payments, grants, loans, advances,
288 guarantees or contributions from the federal government, the state of
289 Connecticut, the constituent municipalities of the regional health
290 district or any other source; or (2) a pledge, lien, mortgage or other
291 security interest in the property, real or personal, of projects to be
292 financed by the borrowing. Such borrowings and obligations shall not
293 constitute an indebtedness within the meaning of any debt limitation
294 or restrictions on, and shall not be obligations of, the state of
295 Connecticut or any municipality. No constituent municipality of a
296 regional health district shall be liable for any such borrowing or
297 obligation of the regional health district upon default. Neither
298 members of the executive board nor any person executing on behalf of
299 the regional health district any note, mortgage, pledge, loan, security
300 or other agreement in connection with the borrowing of money by a
301 regional health district shall be personally liable on the obligations
302 thereunder or be subject to any personal liability or accountability by
303 reason of the entrance into such agreements. Each pledge, agreement

304 or assignment made for the benefit or security of any such borrowing
305 entered into pursuant to this subsection shall be in effect until the
306 principal and interest on such borrowing for the benefit of which the
307 same were made have been fully paid, or until provision is made for
308 the payment in the manner provided therein. Any pledge or
309 assignment made in respect of such borrowing secured thereby shall
310 be valid and binding from the time when the pledge or assignment is
311 made. Any income, proceeds, revenues or property so pledged or
312 assigned and thereafter received by the regional health district shall
313 immediately be subject to the lien of such pledge, without any physical
314 delivery thereof or further act. The lien of any such pledge or
315 assignment shall be valid and binding as against parties having claims
316 of any kind in tort, contract or otherwise against the regional health
317 district irrespective of whether such parties have notice thereof.
318 Neither the resolution, trust indenture, agreement, assignment nor
319 other instrument by which a pledge is created need be recorded or
320 filed, except for the recording of any mortgage or lien on real property
321 or on any interest in real property.

322 (f) On and after July 1, 2020, the executive board shall meet at least
323 quarterly and at other times determined by the chairperson or the
324 Commissioner of Public Health. At its first meeting, it shall elect a
325 chairperson and it shall furnish the necessary offices and equipment to
326 enable it to carry out its duties. The executive board may elect an
327 executive committee, consisting of the chairperson and two other
328 members of the executive board, and the regional health director, who
329 shall serve without a vote, and such executive committee shall have
330 power to act when the executive board is not in session. The fiscal year
331 of each regional health district shall be from July first to June thirtieth,
332 and, by June thirtieth in each year, the executive board shall estimate
333 the amount of money required to pay the costs and expenses of the
334 regional health district during the ensuing fiscal year, provided, if any
335 municipality within the regional health district has a fiscal year which
336 begins on July first, such estimate shall be made by April thirtieth of

337 each year. Such executive board shall hold a public hearing on its
338 proposed budget, not less than two weeks' notice of which shall be
339 given in a newspaper having a circulation in each constituent
340 municipality of such regional health district. From time to time the
341 executive board shall draw upon the treasurer of each town, city or
342 borough within the regional health district a proportionate share of the
343 expenses of such regional health district, from such funds as may have
344 been appropriated by each, to pay the cost of operating the regional
345 health district, including debt service on borrowings of the regional
346 health district, such apportionment to be made equitable on a per
347 capita basis as established by the last annual population estimate by
348 the Department of Public Health for each participating town, city or
349 borough.

350 Sec. 5. Section 19a-245 of the general statutes is repealed and the
351 following is substituted in lieu thereof (*Effective July 1, 2017*):

352 (a) Upon application to the Department of Public Health, each
353 health district that has a total population of fifty thousand or more, or
354 serves three or more municipalities irrespective of the combined total
355 population of such municipalities, shall annually receive from the state
356 an amount equal to one dollar and eighty-five cents per capita for each
357 town, city and borough of such district, provided (1) the
358 Commissioner of Public Health approves the public health program
359 and budget of such health district, (2) the towns, cities and boroughs of
360 such district appropriate for the maintenance of the health district not
361 less than one dollar per capita from the annual tax receipts, and (3) the
362 health district meets the requirements of section 19a-207a, within
363 available appropriations. Such district departments of health are
364 authorized to use additional funds, which the Department of Public
365 Health may secure from federal agencies or any other source and
366 which it may allot to such district departments of health. The district
367 treasurer shall disburse the money so received upon warrants
368 approved by a majority of the board and signed by its chairman and
369 secretary. The Comptroller shall quarterly, in July, October, January

370 and April, upon such application and upon the voucher of the
371 Commissioner of Public Health, draw the Comptroller's order on the
372 State Treasurer in favor of such district department of health for the
373 amount due in accordance with the provisions of this section and
374 under rules prescribed by the commissioner. Any moneys remaining
375 unexpended at the end of a fiscal year shall be included in the budget
376 of the district for the ensuing year. [This] Such aid shall be rendered
377 from appropriations made from time to time by the General Assembly
378 to the Department of Public Health for this purpose.

379 (b) On and after July 1, 2020, upon application to the Department of
380 Public Health, each regional health district shall annually receive from
381 the state a pro rata share of appropriations made to the General
382 Assembly for support of regional health districts, which pro rata share
383 shall be determined by calculating the percentage of the total
384 population of the state that such regional health district serves,
385 provided (1) the Commissioner of Public Health approves the public
386 health program and budget of such regional health district, (2) the
387 towns, cities and boroughs of such district appropriate for the
388 maintenance of the regional health district not less than one dollar per
389 capita from the annual tax receipts, and (3) the regional health district
390 provides, within available appropriations, the basic health program
391 required under section 19a-207a. On and after said date, such regional
392 health districts are authorized to use additional funds, which the
393 Department of Public Health may secure from federal agencies or any
394 other source and which it may allot to such regional health districts.
395 The district treasurer shall disburse the money so received upon
396 warrants approved by a majority of the board and signed by its
397 chairman and secretary. On and after said date, the Comptroller shall
398 quarterly, in July, October, January and April, upon such application
399 and upon the voucher of the Commissioner of Public Health, draw the
400 Comptroller's order on the State Treasurer in favor of such regional
401 health district for the amount due in accordance with the provisions of
402 this section and under rules prescribed by the commissioner. Any

403 moneys remaining unexpended at the end of a fiscal year shall be
404 included in the budget of the district for the ensuing year. Such aid
405 shall be rendered from appropriations made from time to time by the
406 General Assembly to the Department of Public Health for this purpose.
407 For purposes of this subsection, "population" means the most recent
408 population estimates certified by the Commissioner of Public Health
409 pursuant to section 19a-2a.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	19a-241
Sec. 3	<i>October 1, 2017</i>	19a-242
Sec. 4	<i>July 1, 2017</i>	19a-243
Sec. 5	<i>July 1, 2017</i>	19a-245

Statement of Purpose:

To integrate the local health departments and districts into regional health districts for purposes of standardizing the operations of such departments and districts and the services such departments and districts provide to members of their communities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]